



General Assembly

January Session, 2013

Amendment

LCO No. 8203

HB0566608203HDO

Offered by:

REP. FOX, 146th Dist.
REP. REBIMBAS, 70th Dist.
REP. BERGER, 73rd Dist.
SEN. LOONEY, 11th Dist.
SEN. COLEMAN, 2nd Dist.
SEN. BYE, 5th Dist.
REP. RITTER E., 38th Dist.
REP. HOVEY, 112th Dist.
REP. COOK, 65th Dist.
REP. HOYDICK, 120th Dist.
REP. ABERCROMBIE, 83rd Dist.
REP. AYALA, 128th Dist.
REP. BACCHIOCHI, 52nd Dist.
REP. BOUKUS, 22nd Dist.
REP. BUCK-TAYLOR, 67th Dist.
REP. CARPINO, 32nd Dist.
REP. CONROY, 105th Dist.
REP. DILLON, 92nd Dist.
REP. FAWCETT, 133rd Dist.
REP. FLEXER, 44th Dist.
REP. FRITZ, 90th Dist.
REP. GENTILE, 104th Dist.
REP. GIEGLER, 138th Dist.
REP. GONZALEZ, 3rd Dist.
REP. GROGINS, 129th Dist.
REP. JANOWSKI, 56th Dist.
REP. JOHNSON, 49th Dist.
REP. KLARIDES, 114th Dist.
REP. KOKORUDA, 101st Dist.

REP. KUPCHICK, 132nd Dist.
REP. LAVIELLE, 143rd Dist.
REP. MILLER P., 145th Dist.
REP. MUSHINSKY, 85th Dist.
REP. NAFIS, 27th Dist.
REP. O'BRIEN E., 61st Dist.
REP. ORANGE, 48th Dist.
REP. REED, 102nd Dist.
REP. ROSE, 118th Dist.
REP. SANTIAGO, 84th Dist.
REP. SAWYER, 55th Dist.
REP. SAYERS, 60th Dist.
REP. URBAN, 43rd Dist.
REP. WALKER, 93rd Dist.
REP. WIDLITZ, 98th Dist.
REP. WILLIS, 64th Dist.
REP. WOOD, 141st Dist.
REP. WRIGHT E., 41st Dist.
REP. ZIOBRON, 34th Dist.
REP. ZUPKUS, 89th Dist.
SEN. BOUCHER, 26th Dist.
SEN. GERRATANA, 6th Dist.
SEN. HARP, 10th Dist.
SEN. HARTLEY, 15th Dist.
SEN. OSTEN, 19th Dist.
SEN. SLOSSBERG, 14th Dist.
SEN. STILLMAN, 20th Dist.
REP. FLOREN, 149th Dist.

To: House Bill No. 5666

File No. 720

Cal. No. 500

**"AN ACT CONCERNING THE FORFEITURE OF MONEYS AND
PROPERTY RELATED TO SEXUAL EXPLOITATION AND HUMAN
TRAFFICKING."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 54-36p of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2013*):

5 (a) The following property shall be subject to forfeiture to the state
6 pursuant to subsection (b) of this section:

7 (1) All moneys used, or intended for use, in a violation of
8 subdivision (3) of subsection (a) of section 53-21 or section 53a-82, 53a-
9 86, 53a-87, 53a-88, 53a-90a, 53a-189a, 53a-189b, 53a-192a, 53a-196a, 53a-
10 196b, [or] 53a-196c or 53a-196i;

11 (2) All property constituting the proceeds obtained, directly or
12 indirectly, from a violation of subdivision (3) of subsection (a) of
13 section 53-21 or section 53a-82, 53a-86, 53a-87, 53a-88, 53a-90a, 53a-
14 189a, 53a-189b, 53a-192a, 53a-196a, 53a-196b, [or] 53a-196c or 53a-196i;

15 (3) All property derived from the proceeds obtained, directly or
16 indirectly, from any sale or exchange for pecuniary gain from a
17 violation of subdivision (3) of subsection (a) of section 53-21 or section
18 53a-82, 53a-86, 53a-87, 53a-88, 53a-90a, 53a-189a, 53a-189b, 53a-192a,
19 53a-196a, 53a-196b, [or] 53a-196c or 53a-196i;

20 (4) All property used or intended for use, in any manner or part, to
21 commit or facilitate the commission of a violation for pecuniary gain of
22 subdivision (3) of subsection (a) of section 53-21 or section 53a-82, 53a-
23 86, 53a-87, 53a-88, 53a-90a, 53a-189a, 53a-189b, 53a-192a, 53a-196a, 53a-

24 196b, [or] 53a-196c or 53a-196i.

25 (b) Not later than ninety days after the seizure of moneys or
26 property subject to forfeiture pursuant to subsection (a) of this section,
27 in connection with a lawful criminal arrest or a lawful search, the Chief
28 State's Attorney or a deputy chief state's attorney, state's attorney or
29 assistant or deputy assistant state's attorney may petition the court in
30 the nature of a proceeding in rem to order forfeiture of such moneys or
31 property. Such proceeding shall be deemed a civil suit in equity in
32 which the state shall have the burden of proving all material facts by
33 clear and convincing evidence. The court shall identify the owner of
34 such moneys or property and any other person as appears to have an
35 interest therein, and order the state to give notice to such owner and
36 any interested person, including any victim of the crime with respect
37 to which such moneys or property were seized, by certified or
38 registered mail. The court shall promptly, but not less than two weeks
39 after such notice, hold a hearing on the petition. No testimony offered
40 or evidence produced by such owner or interested person at such
41 hearing and no evidence discovered as a result of or otherwise derived
42 from such testimony or evidence may be used against such owner or
43 interested person in any proceeding, except that no such owner or
44 interested person shall be immune from prosecution for perjury or
45 contempt committed while giving such testimony or producing such
46 evidence. At such hearing, the court shall hear evidence and make
47 findings of fact and enter conclusions of law and shall issue a final
48 order from which the parties shall have such right of appeal as from a
49 decree in equity.

50 (c) No moneys or property shall be forfeited under this section to
51 the extent of the interest of an owner or lienholder by reason of any act
52 or omission committed by another person if such owner or lienholder
53 did not know and could not have reasonably known that such moneys
54 or property was being used or was intended to be used in, or was
55 derived from, criminal activity.

56 (d) Notwithstanding the provisions of subsection (a) of this section,

57 no moneys or property used or intended to be used by the owner
58 thereof to pay legitimate attorney's fees in connection with his or her
59 defense in a criminal prosecution shall be subject to forfeiture under
60 this section.

61 (e) Any property ordered forfeited pursuant to subsection (b) of this
62 section shall be sold at public auction conducted by the Commissioner
63 of Administrative Services or the commissioner's designee.

64 (f) The proceeds from any sale of property under subsection (e) of
65 this section and any moneys forfeited under this section shall be
66 applied: (1) To payment of the balance due on any lien preserved by
67 the court in the forfeiture proceedings; (2) to payment of any costs
68 incurred for the storage, maintenance, security and forfeiture of any
69 such property; and (3) to payment of court costs. The balance, if any,
70 shall be deposited in the [General Fund] Criminal Injuries
71 Compensation Fund established in section 54-215.

72 Sec. 2. Section 53a-192a of the general statutes is repealed and the
73 following is substituted in lieu thereof (*Effective October 1, 2013*):

74 (a) A person is guilty of trafficking in persons when such person
75 [commits] compels or induces another person to engage in conduct
76 involving more than one occurrence of sexual contact with one or more
77 third persons, or provide labor or services that such person has a legal
78 right to refrain from providing, by means of (1) the use of force against
79 such other person or a third person, or by the threat of use of force
80 against such other person or a third person, (2) fraud, or (3) coercion,
81 as provided in section 53a-192. [and the other person is compelled or
82 induced to (1) engage in conduct that constitutes a violation of section
83 53a-82, or (2) provide labor or services.] For the purposes of this
84 subsection, "sexual contact" means any contact with the intimate parts
85 of another person.

86 (b) Trafficking in persons is a class B felony.

87 Sec. 3. Section 53a-82 of the general statutes is repealed and the

88 following is substituted in lieu thereof (*Effective October 1, 2013*):

89 (a) A person sixteen years of age or older is guilty of prostitution
90 when such person engages or agrees or offers to engage in sexual
91 conduct with another person in return for a fee.

92 (b) In any prosecution for an offense under this section, it shall be an
93 affirmative defense that the actor was [coerced into committing such
94 offense] a victim of conduct by another person [in] that constitutes (1) a
95 violation of section 53a-192a, as amended by this act, or (2) a criminal
96 violation of 18 USC Chapter 77, as amended from time to time.

97 (c) In any prosecution of a person sixteen or seventeen years of age
98 for an offense under this section, there shall be a presumption that the
99 actor was [coerced into committing such offense] a victim of conduct
100 by another person [in] that constitutes (1) a violation of section 53a-
101 192a, as amended by this act, or (2) a criminal violation of 18 USC
102 Chapter 77, as amended from time to time.

103 (d) Nothing in this section shall limit a person's right to assert the
104 defense of duress pursuant to section 53a-14 in any prosecution for an
105 offense under this section.

106 [(d)] (e) Prostitution is a class A misdemeanor.

107 Sec. 4. Section 53a-83 of the general statutes is repealed and the
108 following is substituted in lieu thereof (*Effective October 1, 2013*):

109 (a) A person is guilty of patronizing a prostitute when: (1) Pursuant
110 to a prior understanding, he pays a fee to another person as
111 compensation for such person or a third person having engaged in
112 sexual conduct with him; or (2) he pays or agrees to pay a fee to
113 another person pursuant to an understanding that in return therefor
114 such person or a third person will engage in sexual conduct with him;
115 or (3) he solicits or requests another person to engage in sexual
116 conduct with him in return for a fee.

117 (b) [Patronizing] Except as provided in subsection (c) of this section,
118 patronizing a prostitute is a class A misdemeanor.

119 (c) Patronizing a prostitute is a class C felony if such person knew or
120 reasonably should have known at the time of the offense that such
121 other person (1) had not attained eighteen years of age, or (2) was the
122 victim of conduct of another person that constitutes (A) trafficking in
123 persons in violation of section 53a-192a, as amended by this act, or (B)
124 a criminal violation of 18 USC Chapter 77, as amended from time to
125 time.

126 Sec. 5. (NEW) (*Effective October 1, 2013*) At any time after a judgment
127 of conviction is entered pursuant to section 53a-82 of the general
128 statutes, as amended by this act, the defendant may apply to the
129 Superior Court to vacate the judgment of conviction on the basis that,
130 at the time of the offense, the defendant was a victim of conduct of
131 another person that constitutes (1) trafficking in persons under section
132 53a-192a of the general statutes, as amended by this act, or (2) a
133 criminal violation of 18 USC Chapter 77, as amended from time to
134 time. Prior to rendering a decision on a defendant's application to
135 vacate the judgment of conviction, the court shall afford the prosecutor
136 a reasonable opportunity to investigate the defendant's claim and an
137 opportunity to be heard to contest the defendant's application. If the
138 defendant proves that he or she was a victim of trafficking in persons
139 under said section or a victim of a criminal violation of said chapter at
140 the time of the offense, the court shall vacate the judgment of
141 conviction and dismiss any charges related to the offense. The vacating
142 of a judgment of conviction and dismissal of charges pursuant to this
143 section shall not constitute grounds for an award of compensation for
144 wrongful arrest, prosecution, conviction or incarceration pursuant to
145 section 54-102uu of the general statutes or any other provision of the
146 general statutes.

147 Sec. 6. Section 54-222 of the general statutes is repealed and the
148 following is substituted in lieu thereof (*Effective October 1, 2013*):

149 (a) The Office of the Chief Court Administrator shall develop a
150 concise [, bilingual] card or brochure concerning information to victims
151 of crime concerning their rights as victims and any services available to
152 them. The Office of Victim Services shall distribute such cards or
153 brochures to municipalities and the state police who shall distribute
154 such cards or brochures to crime victims.

155 (b) The Office of the Chief Court Administrator shall develop a
156 concise notice concerning services available to victims of human
157 trafficking. Such notice shall indicate that any person who is forced to
158 engage in any activity and who cannot leave may contact a state or
159 federal anti-trafficking hotline, and shall indicate the toll-free
160 telephone numbers for such hotlines. The office shall make copies of
161 such notice available to persons who are required to post such notice
162 pursuant to section 7 of this act.

163 Sec. 7. (NEW) (*Effective October 1, 2013*) (a) On and after the date a
164 notice is developed and made available pursuant to subsection (b) of
165 section 54-222 of the general statutes, as amended by this act, each
166 truck stop and each person who holds an on-premises consumption
167 permit for the retail sale of alcoholic liquor pursuant to title 30 of the
168 general statutes shall post the notice in plain view in a conspicuous
169 location where sales are to be carried on. For the purposes of this
170 section, "truck stop" means a privately-owned and operated facility
171 where food, fuel, lawful overnight truck parking and shower and
172 laundry facilities are offered.

173 (b) The provisions of subsection (a) of this section shall not apply to
174 any person who holds an on-premises consumption permit for the
175 retail sale of alcoholic liquor pursuant to title 30 of the general statutes
176 that consists of only one or more of the following: (1) A caterer,
177 railroad, boat, airline, military, charitable organization, special club,
178 temporary liquor or temporary beer permit, (2) a restaurant permit,
179 restaurant permit for beer, restaurant permit for wine and beer or cafe
180 permit, or (3) a manufacturer permit for a farm winery, a manufacturer
181 permit for beer, manufacturer permits for beer and brew pubs, or any

182 other manufacturer permit issued under title 30 of the general statutes.

183 Sec. 8. (*Effective from passage*) The Office of Victim Services shall
184 conduct an analysis of the compensation and restitution services
185 provided to victims of sexual exploitation and human trafficking
186 under sections 54-201 to 54-235, inclusive, of the general statutes, and
187 shall determine whether legislation should be enacted to enhance such
188 compensation and services in order to address the needs of such
189 victims. Not later than January 15, 2014, the office shall submit a
190 report, in accordance with section 11-4a of the general statutes, on its
191 analysis and recommended amendments to the general statutes to the
192 joint standing committee of the General Assembly having cognizance
193 of matters relating to the judiciary.

194 Sec. 9. Subsection (b) of section 46a-170 of the general statutes is
195 repealed and the following is substituted in lieu thereof (*Effective from*
196 *passage*):

197 (b) [The] (1) Prior to the effective date of this section, the council
198 shall consist of the following members: The Attorney General, the
199 Chief State's Attorney, the Chief Public Defender, the Commissioner of
200 Emergency Services and Public Protection, the Labor Commissioner,
201 the Commissioner of Social Services, the Commissioner of Public
202 Health, the Commissioner of Mental Health and Addiction Services,
203 the Commissioner of Children and Families, the Child Advocate, the
204 Victim Advocate, the chairperson of the Commission on Children, the
205 chairperson of the Permanent Commission on the Status of Women,
206 the chairperson of the Latino and Puerto Rican Affairs Commission,
207 the chairperson of the African-American Affairs Commission, three
208 representatives of the Judicial Branch appointed by the Chief Court
209 Administrator, one of whom shall represent the Office of Victim
210 Services and one of whom shall represent the Court Support Services
211 Division, and a municipal police chief appointed by the Connecticut
212 Police Chiefs Association, or a representative of any such member who
213 has been designated in writing by such member to serve as such
214 member's representative, and seven public members appointed as

215 follows: The Governor shall appoint one member who shall represent
216 Connecticut Sexual Assault Crisis Services, Inc., the president pro
217 tempore of the Senate shall appoint one member who shall represent
218 an organization that provides civil legal services to low-income
219 individuals, the speaker of the House of Representatives shall appoint
220 one member who shall represent the Connecticut Coalition Against
221 Domestic Violence, the majority leader of the Senate shall appoint one
222 member who shall represent an organization that deals with
223 behavioral health needs of women and children, the majority leader of
224 the House of Representatives shall appoint one member who shall
225 represent an organization that advocates on social justice and human
226 rights issues, the minority leader of the Senate shall appoint one
227 member who shall represent the Connecticut Immigrant and Refugee
228 Coalition, and the minority leader of the House of Representatives
229 shall appoint one member who shall represent the Asian-American
230 community.

231 (2) On and after the effective date of this section, the council shall
232 consist of the following members: (A) The Chief State's Attorney, or a
233 designee; (B) the Chief Public Defender, or a designee; (C) the
234 Commissioner of Emergency Services and Public Protection, or the
235 commissioner's designee; (D) the Labor Commissioner, or the
236 commissioner's designee; (E) the Commissioner of Social Services, or
237 the commissioner's designee; (F) the Commissioner of Public Health,
238 or the commissioner's designee; (G) the Commissioner of Mental
239 Health and Addiction Services, or the commissioner's designee; (H) the
240 Commissioner of Children and Families, or the commissioner's
241 designee; (I) the Child Advocate, or the Child Advocate's designee; (J)
242 the Victim Advocate, or the Victim Advocate's designee; (K) the
243 chairperson of the Permanent Commission on the Status of Women, or
244 the chairperson's designee; (L) one representative of the Office of
245 Victim Services of the Judicial Branch appointed by the Chief Court
246 Administrator; (M) a municipal police chief appointed by the
247 Connecticut Police Chiefs Association, or a designee; and (N) seven
248 public members appointed as follows: The Governor shall appoint one

249 member who shall represent Connecticut Sexual Assault Crisis
 250 Services, Inc., the president pro tempore of the Senate shall appoint
 251 one member who shall represent an organization that provides civil
 252 legal services to low-income individuals, the speaker of the House of
 253 Representatives shall appoint one member who shall represent the
 254 Connecticut Coalition Against Domestic Violence, the majority leader
 255 of the Senate shall appoint one member who shall represent an
 256 organization that deals with behavioral health needs of women and
 257 children, the majority leader of the House of Representatives shall
 258 appoint one member who shall represent an organization that
 259 advocates on social justice and human rights issues, the minority
 260 leader of the Senate shall appoint one member who shall represent the
 261 Connecticut Immigrant and Refugee Coalition, and the minority leader
 262 of the House of Representatives shall appoint one member who shall
 263 represent the Motor Transport Association of Connecticut, Inc.

264 Sec. 10. (NEW) (*Effective from passage*) The Trafficking in Persons
 265 Council established in section 46a-170 of the general statutes, as
 266 amended by this act, shall meet not later than September 1, 2013, to
 267 study data relating to trafficking in persons offenses in this state. The
 268 council shall examine the provisions of the general statutes related to
 269 trafficking in persons and identify deficiencies, if any, in the general
 270 statutes related to trafficking in persons. If the council identifies
 271 deficiencies in the provisions of the general statutes related to
 272 trafficking in persons, the council shall develop proposed legislation to
 273 address such deficiencies. Not later than January 1, 2014, the council
 274 shall submit a report on its findings and any recommendations for
 275 legislation to the joint standing committee of the General Assembly
 276 having cognizance of matters relating to the judiciary in accordance
 277 with the provisions of section 11-4a of the general statutes."

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2013	54-36p
Sec. 2	October 1, 2013	53a-192a

Sec. 3	<i>October 1, 2013</i>	53a-82
Sec. 4	<i>October 1, 2013</i>	53a-83
Sec. 5	<i>October 1, 2013</i>	New section
Sec. 6	<i>October 1, 2013</i>	54-222
Sec. 7	<i>October 1, 2013</i>	New section
Sec. 8	<i>from passage</i>	New section
Sec. 9	<i>from passage</i>	46a-170(b)
Sec. 10	<i>from passage</i>	New section